

# Exhibit 12

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A NET GAIN FOR MOTHERHOOD HOPEFUL PARENTS USING WEB TO LOCATE A SURROGATE MOM

Nathan Cobb, Globe Staff

As Audrey Orenstein proudly announced she'd "gotten my house all in order for the new baby," due Wednesday, something was noticeably missing from the picture. Orenstein, who is 33 years old and lives in Needham with her husband, Jack, was many things on that particular recent morning -- lively, excited, talkative -- but 8 1/2 months pregnant obviously wasn't one of them.

The explanation, fittingly enough, was right there on the computer screen up in the den. "Can you believe we made it to 36 weeks?" asked the e-mail that had arrived earlier that morning. The giddy message was from Jody Gonzalez, a 30-year-old California wife and mother who is carrying the child of Audrey and Jack Orenstein. And how did this Massachusetts couple find and meet this surrogate mom from the other coast?

On the Internet, of course.

They're not alone. Look at the World Wide Web sites where those who would be parents and those who would be surrogates seek out one another. An LA actress and a composer want a surrogate "to help us make our dream of having a family come true." A Virginia mom is "looking for a special couple to pursue surrogacy with." A couple from Finland, where surrogacy is illegal, searches for someone to help them "fulfill our deep hope of having a child of our own." And on and on.

As a result of Internet connections, more than 30 babies have been born via either "traditional surrogacy" (whereby a woman is artificially inseminated with the father's sperm) or "gestational surrogacy" (whereby the woman receives the parents' embryo after in-vitro fertilization has taken place and has no genetic tie to the baby). This cyberian twist signals an emerging shift in a still-controversial area of family-building that has already challenged traditional concepts of motherhood.

"The Internet has changed the face of surrogacy very dramatically," declares Shirley Zager, director of the Organization of Parents Through Surrogacy, a membership support group for couples and surrogates.

And what do we call the kids? Net babies, perhaps? By whatever name, this online phenomenon seems perfectly reasonable to Jack Orenstein. "I realize it may sound odd, but doing it this way makes lots of sense," says the 41-year-old software engineer. "The Internet is probably the best way to find someone with

similar interests. Think of the most obscure thing you can, and there'll be a news group or a Web site about it."

The principal alternative to casting a net into cyberspace has been to use an agency that specializes in matching intended parents with surrogates. Folks who find their own surrogates on line often say they are hoping to forge a stronger bond with the person having their child. They talk about hoping to find a surrogate who will become a lifelong friend, or even something akin to a member of the family. And most also admit that saving the \$10,000 to \$20,000 finder's fee that an agency typically charges is no small consideration.

Still, Net babies don't come without expense or effort. Psychological and medical screening of a potential surrogate and her partner remains a must. The parents and the surrogate need separate attorneys. A legal contract is necessary. Doctors' fees mount. Bottom line: The Orensteins aren't paying a finder's fee, but they're parting with more than \$30,000 in other costs, including \$12,000 to Gonzalez.

"It's still a minority (of intended parents) who don't use an agency," points out John Weltman, a Boston attorney who specializes in legal contracts involving intended parents and surrogates. "But most of the couples who come to me now with their own surrogate have found them on the Internet."

Computer geeks acting out a sci-fi fantasy? Hardly. Last year, Nancy and Tom Weatherby of Easton purchased their first home computer because they wanted to learn more about surrogacy and perhaps find someone who would bear their child. (Nancy Weatherby was born without a uterus.) They've since used it to meet Helene Raduly, a 31-year-old mother of four who lives in suburban Montreal. Raduly spotted the Weatherbys' on-line posting while hunkered down at an Internet cafe because she doesn't own a PC. Two embryo transfers have so far failed to produce a pregnancy; the results of a third are expected shortly.

Understand, too, that folks like this are not nocturnal Netheads dropping into on-line chat rooms and asking anybody who happens to be there if she'd like to have a baby. The long process usually starts with carefully worded introductions, followed by cautious back-and-forth e-mail and guarded telephone conversations. Often it leads nowhere, cut off by differences in philosophy or concerns about motive.

Tracy Bygate of South Dennis, who underwent a hysterectomy four years ago, spends 15 to 25 hours a week on line researching gestational surrogacy and seeking someone to carry a baby for her and Anthony Stanco, the man she plans to marry. She thought she had found someone, but the woman with whom she was exchanging e-mail chose a gay couple instead. "We're looking for someone who'll be a lifelong friend," says Bygate, the 40-year-old postmaster of the US Post Office in Barnstable, about the thoroughness she brings to the hunt. "It's almost like a marriage."

Audrey Orenstein would agree. She gave premature birth to a daughter, Hanna, in 1993, and an existing heart condition and severe toxemia made the pregnancy life-threatening. Doctors told her not to have another child. When she and her husband tried to find a gestational surrogate through a local agency, they decided that the women such outfits offered were "not quite right." Audrey wanted a reliable person and someone not unlike herself: someone with a similar background, someone who was middle class and college-educated. "It's like dating," she explains. "You know it's the right person because you think alike or because you can work well together."

Armed with high-speed Internet access via one of the first cable modem systems in the country (then Highway1, now MediaOne Express), the Orensteins hit the Web hard two years ago. Placing an advertisement on the site of the American Surrogacy Center, they announced that they wanted another child via surrogacy. One of three responses they received was from Gonzalez, a cost accountant with a business economics degree from the University of California at Santa Barbara. She was a mother who'd already had two easy pregnancies. Bingo.

Jody Gonzalez is no surrogacy zealot. Asked why she answered the Orenstein's on-line plea, she replies that surrogacy seemed "interesting." "I have three sisters," she adds. "If they had infertility problems, I'd want to help. If it's good enough for my sisters, it's good enough for someone else."

Gonzalez traveled three times to Boston for embryo transfers before a pregnancy occurred. "I'm not sure I'd encourage people to do this this way," she says of the Internet link. "I think we're kind of lucky that things worked out without an agency, without a middleman. I could see that if you didn't have a middleman, things could really get ugly."

Indeed, the potential for ugliness is real. Emotionally vulnerable couples, operating long-distance, are clearly ripe for exploitation. Occasional warnings about individuals who might not be what they say have circulated through the online community of intended parents and surrogates. Example: the surrogate who claimed to be pregnant and demanded payment while refusing to submit proof of her pregnancy.

Yet for Elie and Ali Mohajerani of Boston, the Internet has proved a far better source than an agency for finding a gestational surrogate. The small company they used charged them \$6,000 to match them with a woman who did not become pregnant and then cut off communication, says Elie Mohajerani, who is unable to carry a child because she was exposed to *diethylstilbestrol* as a baby. (The hormone was prescribed to many baby boom mothers to prevent miscarriages, but created several health problems, including infertility, for their daughters.) On the Internet, by contrast, they found the 24-year-old San Diego mother of four sons who is scheduled to give birth to their child on June 12 -- their 20th wedding anniversary.

"I knew I could do a better job than the agency," says Elie Mahajerani, 41, who owns a karate school and a cafe with her husband.

The Orensteins did it themselves, too. On Wednesday, they'll be with Gonzalez when their Net baby is born. "After all," says Audrey Orenstein, "I'm going to be the birthing coach."

#### Surrogacy Web sites

The World Wide Web sites where intended parents and surrogates meet:

The American Surrogacy Center Inc. ([www.surrogacy.com](http://www.surrogacy.com)) Born in March 1966, in Marietta Ga. Charges fee for intended parents and surrogates to post advertisements. Ads are "blind," i.e. respondents reply to a code number. Claims over 30 births as a result of people connecting via the site. Run by Joan Barnes, a mother of two sons born via gestational surrogacy.

Surrogate Mothers Online ([www.iwshost.net/surrogates/](http://www.iwshost.net/surrogates/)) Founded in April 1997, in Hillsboro, Texas. Postings are free for both intended parents and surrogates. Allows names and/or e-mail addresses to be used. Doesn't know how many babies have been born as a result of site. Started by Jennifer Zint, a mother of two and currently a gestational surrogate for the first time.

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PHOTO

GLOBE PHOTO, JILL CONNELLY, Surrogate mother Jody Gonzalez of California is carrying a baby for Audrey Orenstein (center) of Needham. They connected on the Internet.

----- INDEX REFERENCES -----

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